IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 32096 of 2007(U)

AGAINST THE ORDER IN IA.2969/2007 IN OS.613/2004 of PRL.MUNSIFF COURT, CHERTHALA
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PETITIONER:

G.NARAYANA PAI, S/O. GOPALA PAI,
VAYALAPURATHU, THIRUMALABHAGOM P.O., THURAVOOR,
CHERTHALA, PIN-688 540.

BY ADV. SRI.S.VINOD BHAT

RESPONDENTS:
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1. K.A.BENEDICT,
KUNNEL, PADINJATTUMKARA THEKKUM MURI,
THURAVOOR THEKKU VILLAGE, THURAVOOR-688 532.

2. C.P.SEBASTIAN, S/O. PHILIP,
CHENAPPARAMBIL, THEKKUM MURI, THURAVOOR THEKKU VILLAGE, THURAVOOR-688 532.

3. THURAVOOR KARSHAKA SANGHOM NO.40/79,
CHAVADY, THIRUMALABHAGOM P.O., REPRESENTED BY ITS PRESIDENT, PIN-688 540.

4. SECRETARY,
THURAVOOR KARSHAKA SANGHOM NO.40/79, CHAVADY,
THIRUMALABHAGOM P.O., PIN-688 540.

5. T.B.SAMSU,
"USHA NILAYAM", THIRUMALABHAGOM P.O.,
CHERTHALA, PIN-688 540.

BY ADV. SRI.P.S.GEORGE
R5 BY ADV. SRI. ROY CHACKO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **COPY OF PLAINT O.S.163/04 ON THE FILE OF PRINCIPAL MUNSIFF'S COURT, CHERTHALA DATED 25.9.04.**

EXT.P2 **COPY OF ADVERTISEMENT PUBLISHED IN MATHRUBHOOMI DAILY DATED 8.10.07.**

EXT.P3 **COPY OF THE PETITION I.A.2969/07 IN OS 613/04 ON THE FILE OF PRINCIPAL MUNSIFF'S COURT, CHERTHALA DATED 8.10.07.**

EXT.P4 **COPY OF THE ORDER DATED 10.10.07 IN IA 2969/07 IN OS 613/04 ON THE FILE OF PRINCIPAL MUNSIFF'S COURT, CHERTHALA.**

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

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W.P.C. NO. 32096 OF 2007

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Dated this the 14th day of November, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside Ext.P4 order. The grievance of the writ petitioner is that the Commissioner appointed in the suit has auctioned the right for prawn fishing as per publication in Ext.P2 dated 8.10.07. It is submitted by him that about 700 acres of land are involved and the auction notice was published in Mathrubhoomi only on 8.10.07 and it was conducted on 10.10.07 and therefore there is illegality in the said auction which requires interference at the hands of the Court. When he moved an application before the trial Court, it held that large number of persons participated in the auction and found no ground to interfere with the conduct of the auction. Whatever it may be, the auction has been conducted, it has been bid in auction and the amount has been deposited and only a formal order is awaited for implementation. Just

because there is a publication which gave only two or three days time, the Court cannot jump to the conclusion that everything is done irregularly. So, the question whether there had been any irregularity, illegality or sustainment of loss on account of publication just two days prior to the auction are all matters that has to be gone into detail on factual matrix and therefore this Court sitting in this jurisdiction cannot entertain such a plea. Therefore, I dismiss the writ petition making it clear that the writ petitioner can move the Court below for appropriate reliefs in case he wants to challenge the irregularity or illegality of the auction conducted by the Commissioner.

M.N. KRISHNAN, JUDGE.

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